

Richard Powell
Name
925 N. Virginia St #B1
Reno, Nev 89503
#1902456
Prison Number

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Richard Powell
Plaintiff,

vs.

Darlene Holyfield King

Defendant(s)

CASE NO. 3:19-cv-00223
(To)

CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Richard Powell I
(Print Plaintiff's name)

who presently resides at 925 N. Virginia St #B1, were
violated by the actions of the below named individuals which were directed against

Plaintiff at Reno Municipal Court on the following dates 2/14/19
(institution/city where violation occurred)

Perjury _____, and _____
(Count I) (Count II) (Count III)

COUNT 1

The following civil rights has been violated: Perjury while
under oath and giving Testimony
Before The Reno Municipal Court

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights]


That Darlene Holyfield King while under
Oath and giving Testimony Before the
Judge in the Reno Municipal Court in fact
Lied about HAVING contact with Richard Powell
When asked if there WAS contact ever made
between the Two while there was a Restraining
Order brought forth by Darlene Holyfield King
The Plaintiff on february 5, 2019 WAS Served
Notice To Appear in court on a Violation of a Temporary
Restraining Order. Plaintiff stated under Testimony
That Darlene Holyfield King Contacted Him Several Times
and Had a Relationship with Richard Powell (Plaintiff)
first Contact by Ms. King WAS on 12-27-18 and HAD
Continued Contact with Him up untill January
26, 2019. I, Richard Powell Did in fact Testified
Before The Judge on february 14, 2019 about
The Contact between Ms. King and My Self under
Oath. When she was questioned she lied under
oath about NOT HAVING Any contact at all. I believe
This is Perjury on Her Part Under oath before The Court.
UNDER NRS 199.245

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

for The Aggravation and the Suffering
That she has caused Me by being
incarcerated and having to Rely on my
family for Assistance and Help while I
was Jailed for her Perjuring herself
before the Court. I am Asking For
\$50,000 in Compensation for what She put
me Through Nothing Less.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621


(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)
GARY L. SMITH


(Signature of Plaintiff)

3-31-19
(Date)

(Additional space if needed; identify what is being continued)

6) Defendant _____ resides at _____
(full name of first defendant) (address of first defendant)
and is employed as _____ This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish
to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

That The defendant Darlene Holyfield
King Perjured Herself Before the Court
On February 14, 2019 The defendant in
this matter under oath and before the
Reno Municipal Court during Testimony
Did In fact Lie to the Court and Judge
about Having Contact with The Plaintiff in
Regards to The Restraining Order that
they were in Court for against Myself.
The Plaintiff, Richard Powell on that
Date of February 14, 2019

C. CAUSE OF ACTION

ACKNOWLEDGMENT

I, the undersigned, acknowledge that I have read the foregoing and that the information contained therein is true and correct to my own knowledge and belief.

Further, I state that I have not directly or indirectly paid or caused to be paid to any inmate, agent of an inmate, or family member of any inmate a sum of money, favors or anything else for assistance in the preparation of this document or any other document in connection with this action.

Further, I acknowledge that if any of the information included in this motion for leave to proceed *in forma pauperis* is false or misleading, I understand that sanctions may be imposed against me. Those sanctions may include, but are not limited to, the following:

- (1) dismissal of my case with prejudice;
- (2) imposition of monetary sanctions;
- (3) the Nevada Department of Prisons may bring disciplinary proceedings for a violation of MJ-48 of the Code of Penal Discipline, which can include all sanctions authorized under the Code including the loss of good time credits and punitive confinement; and
- (4) perjury charges.

Further, I hereby authorize the United States District Court, District of Nevada, or its representative, to investigate my financial status, and authorize any individual, corporation, or governmental entity to release any such information to the said Court or its representative.

Further, I acknowledge and consent that a portion of any recovery, as directed by the court, shall be paid to the clerk for reimbursement of all fees and costs incurred by me as a result of being granted leave to proceed *in forma pauperis*.

Dated this 31 day of MARCH, 2019

Richard Powell
(Signature of Applicant)

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Signed at Washoe County Jail
(Location)

Richard Powell
(Signature)

3-31-2019
(Date)

#1902456
(Inmate Prison Number)

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant Darlene Holyfield King resides at 1950 9th St, Reno Nev
(full name of first defendant) (address if first defendant)
and is employed as Unemployed This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☐ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: under oath and during testimony before
the Reno Municipal Court

3) Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____ This defendant is sued in his/her
(defendant's position and title, if any)
☐ individual ☐ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

4) Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____ This defendant is sued in his/her
(defendant's position and title, if any)
☐ individual ☐ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

5) Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____ This defendant is sued in his/her
(defendant's position and title, if any)
☐ individual ☐ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**INSTRUCTIONS FOR FILING A CIVIL RIGHTS COMPLAINT
BY AN INMATE UNDER 42 U.S.C. § 1983**

A. Who May Use This Form

You must use the attached form if you are an inmate. The attached 42 U.S.C. § 1983 civil rights complaint form is designed to help inmates prepare a complaint seeking relief for alleged violations of their federal civil rights. These complaints typically concern, but are not limited to, conditions of confinement.

Do not use this form if you are challenging the length of your sentence or the validity of your conviction. If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. If you want to challenge a federal conviction or sentence, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered judgment.

B. Filing a § 1983 Civil Rights Action

To initiate a § 1983 civil rights action, you must submit: (1) a completed complaint form and (2) a check or money order for \$400 (which includes the \$350 filing fee and the \$5C administrative fee), or an inmate application to proceed *in forma pauperis*.

If you have the money to pay the full \$400 filing fee, please send a check or money order made payable to "CLERK, U.S. DISTRICT COURT" with your complaint.

If you are unable to pay the entire filing fee at the time you submit your complaint, please complete an inmate's application to proceed *in forma pauperis*. You may request the packet titled "Information for Filing an Application to Proceed *In Forma Pauperis* by an Inmate under 28 U.S.C. § 1915."

In civil actions filed by pro se (self-represented) inmates, the action must be filed in the unofficial division of the court in which the inmate is incarcerated when the complaint is submitted for filing. See Local Rules of Practice for the United States District Court for the District of Nevada ("LR") IA 1-6, 1-8. The Clerk of the Court maintains offices in Las Vegas and Reno at the following addresses:

Unofficial Southern Division (Clark, Esmeralda, Lincoln, & Nye counties):

U.S. District Court Office of the Clerk
333 Las Vegas Boulevard, South, Room #1334
Las Vegas, NV 89101

Unofficial Northern Division (all other counties):

U.S. District Court Office of the Clerk
400 S. Virginia Street, Room #301
Reno, NV 89501

If you are incarcerated at a facility that uses electronic filing, please continue to use electronic filing.

outline).

- a) Defendants: _____
- b) Name of court and docket number: _____
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted**?
___ Yes ☒ No If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): ___ frivolous
___ malicious or ___ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim.

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one) _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ____ Yes ☒ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) ____ disciplinary hearing; (2) ____ state or federal court decision; (3) ____ state or federal law or regulation; (4) ____ parole board decision; or (5) ____ other _____
- If your answer is "Yes", provide the following information. Grievance Number _____
- Date and institution where grievance was filed: _____

Response to grievance: _____

COUNT II

The following civil rights has been violated: _____

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights]

COUNT III

The following civil rights has been violated: _____

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? ____ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

STATEMENT OF NON-REPRESENTATION

INMATE ASSISTANCE PROGRAM

You have asked to meet with an attorney or other legal professional from Washoe Legal Services ("WLS") through its Inmate Assistance Program ("IAP"). By signing below, you acknowledge that you have read and that you understand the following:

- Pursuant to Rule 6.5 of the Nevada Rules of Professional Conduct, the IAP is a program that provides short-term limited legal services to inmates in the Washoe County Detention Facility.
- There is no expectation that WLS will provide any continuing representation regarding the legal matters that the inmate discusses with WLS.
- WLS is not agreeing to act as your attorney for any type of case. WLS only provides access to basic legal resources to assist inmates with their right to access the courts.
- WLS is only required to assist inmates with non-criminal legal issues that need to be addressed while the inmate is in the custody of the Washoe County Detention Facility.
- Discussing your legal issues with a WLS attorney will not preclude another WLS attorney from representing an individual whose interests are adverse to your interests.

If you have read and understand this statement, please sign and date where indicated below. If you have any questions or concerns regarding this document, you should discuss them with the WLS representative before you sign it. If you do not raise any questions or concerns, you will be presumed to understand this statement and agree to comply with its terms.

Date: 4-10-2019

Signature: Richard Powell

Printed Name: Richard Powell

Date of Birth: 9-30-64